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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,764	11/10/2003	Matt Clark	109927-135178	4384
25943	7590	01/09/2006	EXAMINER	
SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			HUYNH, CHUCK	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/705,764	CLARK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chuck Huynh	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 5 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear to what Applicant refers to as defining of a branding element of a service. Examiner interprets the limitation to mean a logo of the service of the PDA phone, could be an icon or the brand.

Regarding claim 5, it is confusing on what is being claimed from the way the claim is worded. Examiner interprets the claim as updating/saving/editing of emails or display format or even noting something in the Calendar and saving the event for that date.

Regarding claim 10, it is unclear to what Applicant define the feature tree to be, therefore, Examiner interprets it as various applications and programs ordered within groups and subgroups located on the device. Furthermore, branding element is anything that helps to display on the user interface applications/features/services.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ausems et al. (hereinafter Ausems).

Regarding claim 1, Ausems discloses a method comprising:

defining a user interface of a service including defining of a branding element (representation of a service on user interface such an icon Page 1 [0004]) of the service (Logo in Fig. 3,6,8 no. 164; Page 5, [0057]; Fig. 7);

defining a plurality of features of the service (Fig. 6 shows the various features/group/folders: All, Applications, System, Games, My Files; Page 9, [0074]), each feature having one or more concepts (the concepts/applications are within the feature/group/folder as shown in Fig. 7; Page 7, [0076]), and associating the features with the user interface (displayed on user interface, Fig. 6 and 7);

receiving a service request expressed in terms of one or more concept of one or more of the associated features (the device receiving a user selection of an application Page 9, [0079]);

providing a solution to the service request employing the user interface having the branding element (launching the application Page 9, [0079]).

Regarding claim 2, Ausems discloses the method of claim 1, wherein said defining of an user interface further identifying one or more icons, buttons, or menus (Fig. 6 and 7).

Regarding claim 3, Ausems discloses the method of claim 1, where said defining of the features comprises identifying resources of the features (Fig. 6 and 7; Page 9, [0026]; Page 6, [0064]).

Regarding claim 4, Ausems discloses the method of claim 3, wherein said identifying of resources comprises identifying one or more images, HTML pages, or style sheets (Fig. 6 and 7; Page 9, [0026]; Page 6, [0064]).

Regarding claim 5, Ausems discloses the method of claim 3, wherein said identifying of resources comprises identifying data items of databases on a client device consuming the branded application, to be updated (this is interpreted as new emails being received and stored and the new mail icon being updated Page 2, Table 2:Email Area; or the limitation can be interpreted as the ability to edit/arrange/update the data of the resources page 9, [0074]).

Regarding claim 6, Ausems discloses the method of claim 1, wherein said associating of the plurality of features with the user interface comprises jointly expressing the user interface and the features in terms of XML statements (Page 8, [0068]).

Regarding claim 7, Ausems discloses a computer readable medium containing computer executable instructions (memory) for performing the actions of the method of any of Claims 1-3 and 6 (Page 3, [0030]).

Regarding claim 8, Ausems discloses an apparatus having a processor coupled to a memory containing computer executable instructions operative to perform the actions of the method of any of Claims 1-3 and 6 (Page 3, [0030]).

Regarding claim 9, Ausems discloses an apparatus having a processor coupled to a memory containing computer executable instructions operative to perform the actions of the method of Claims 1, wherein the apparatus is a wireless mobile phone, further comprising a communication interface (Page 3, [0031]).

Regarding claim 10, Ausems discloses a method of branding a user interface of a wireless mobile device according to a predetermined appearance standard, the method comprising:

in response to a triggering event (booting up the PDA phone Page 5, [0057]), obtaining a feature-specific data package from a remote server (receiving the menu page, which can be downloaded from a remote server Page 5-6, [0057]; said feature-specific data package specifying a user interface branding component desired to brand a user interface (Page 1, [0004]) (displaying icons and menu options and features on PDA screen) (Page 6, [0057]-[0061]) formed using said user interface component (display screen) in accordance with an associated feature tree (various applications and programs ordered within groups and subgroups) (Page 6, [0059] – [0061]) ; and

dynamically forming and branding the user interface of the wireless mobile device with said user interface branding component (displaying the icons and various programs/groups/applications/features) (Page 6, [0061]).

Regarding claim 11, Ausems discloses the method of Claim 10 wherein said user interface branding component is selected from the group consisting of: fonts ([0036]), colors ([0068]), buttons (Abstract), icons, images, text, sounds ([0064]), and documents (pages or even an Excel document which is also well known in the art, Fig.7) (Figs. 3,4,6,78).

Regarding claim 12, Ausems discloses the method of Claim 10 wherein said feature tree comprises locations of said branding component on the wireless mobile

device (it is inherent that these applications/programs/features' locations are stored in memory originally or downloaded from server Page 5-6; [0057]).

Regarding claim 13, Ausems discloses the method of Claim 10 wherein said data package specifies a location of said user interface branding component on the wireless mobile device (the menu page to display all the cons and applications/programs is downloaded from remote server and stored in the device and therefore inherently the location of the programs/applications/icons to be displayed is known Page 5-6, [0057]).

Regarding claim 14, Ausems discloses the method of Claim 10 wherein said data package includes said user interface branding component (the menu page is downloaded to include to display objects/information/applications Page 5-6; [0057]).

Regarding claim 15, Ausems discloses the method of Claim 14 further comprising storing said user interface branding component on the wireless mobile device (inherently done when downloading it from remote server Page 5-6; [0057]).

Regarding claim 16, Ausems discloses the method of Claim 10 further comprising rendering a plurality of preexisting user interface branding components on the wireless mobile device (the menu page can be stored on device and some content/applications/icons can be downloaded, but some are on the device already Page 5-6; [0057]).

Regarding claim 17, Ausems discloses a computer readable medium containing computer executable instructions for performing the actions of the method of any of Claims 10-16 (memory Page 3, [0031]).

Regarding claim 18, Ausems discloses a computer system having a processor coupled to a memory containing computer executable instructions operative to perform the actions of the method of any of Claims 10-16 (Page 3, [0031]).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Khan, Umair A. et al. discloses a System, method and computer program product for transcoding tabular content for display on thin client devices by way of content addressing

Smith, Steven B. et al. discloses Methods and systems for job-based accounting  
Schwartz, Bruce V. et al. discloses a Method and architecture for interactive two-way communication devices to interact with a network

Covington, Robert D. Et al. discloses Interactive in-store/in-mall and on-line shopping system and method

Perttila, Marko et al. discloses a Method and system for selecting data items for service requests

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chuck Huynh



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